

09/485099



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

# 4/A

|   |       |                       |   |
|---|-------|-----------------------|---|
| U.S. APPLICATION NO. 099  | FRACE | FIRST NAMED APPLICANT | ATTY. DOCKET NO. 98-506                         |
| MICHAEL S GREENFIELD<br>MCDONNELL BOEHNNEN HULBERT & BERGHOFF<br>300 SOUTH WACKER DRIVE<br>CHICAGO IL 60606 |       | 5611                  | INTERNATIONAL APPLICATION NO.<br>PCT/US98/16379 |
|   |       | I.A. FILING DATE      | PRIORITY DATE                                   |
|   |       | 08/06/98              | 08/06/97  |
|   |       | DATE MAILED:          | 09/07/00  |

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: *ALL INVENTOR MUST BE LISTED ON SAME DEC. TO SHOW OTHER INVENTOR THAT THEY AREN'T THE ONLY INVENTOR*

1. ☐ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought. *ALL*

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

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|------------------------------------|-------|----------------------------|------------------------------|
| U.S. APPLICATION NO.<br>09/485,099 | FRACE | FIRST NAMED APPLICANT<br>M | ATTY. DOCKET NO.<br>99,586-1 |
|------------------------------------|-------|----------------------------|------------------------------|

5611  
MICHAEL S GREENFIELD  
MCDONNELL BOEHNEN HULBERT & BERGHOFF  
300 SOUTH WACKER DRIVE  
CHICAGO IL 60606

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| INTERNATIONAL APPLICATION NO.<br>PCT/US98/16379 |
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| I.A. FILING DATE<br>08/06/98 | PRIORITY DATE<br>08/06/97 |
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DATE MAILED: 09/07/00

### NOTIFICATION OF A DEFECTIVE RESPONSE

- ☐ The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
- ☐ Applicant's response filed \_\_\_\_\_ was received in the Office on \_\_\_\_\_, which is after the expiration of the period for response set in the last Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
- ☐ Applicant's response filed \_\_\_\_\_ included the following items, the receipt of which is hereby acknowledged:
  - ☐ Copy of the international application in:
    - ☐ a non-English language.
    - ☐ English.
  - ☐ Translation of the international application into English ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ Processing fee (37 CFR 1.492(f)) ☐ which is insufficient.
  - ☒ Oath or Declaration of inventors(s).
    - ☐ in compliance with 37 CFR 1.497(a) and (b).
    - ☒ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☐ Surcharge (37 CFR 1.492(e)) ☐ which is insufficient.
  - ☐ Copy of Article 19 amendments.
  - ☐ Translation of Article 19 amendments into English.
  - ☐ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
  - ☐ Preliminary amendment(s).
  - ☐ Information Disclosure Statement(s).
  - ☐ Assignment document.
  - ☐ Power of Attorney and/or Change of Address.
  - ☐ Substitute specification.
  - ☐ Statement Claiming Small Entity Status.
  - ☐ Priority Document.
  - ☐ Other:
- ☐ All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed \_\_\_\_\_ have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of six months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

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Telephone: (703) 253-7366